

# **APPENDIX H**

- **Lot Area Averaging Request and proof of approval by DPLU/County Counsel**



## APPLICATION DEPOSIT ACKNOWLEDGEMENT AND AGREEMENT

### INTRODUCTION

It is the policy of the County of San Diego to recover from applicants for land development approvals the full cost of processing such applications. (See Board of Supervisors' Policy B-29.) An advance **deposit** is required for certain applications, in an amount as set by ordinance, based upon average costs as past experience demonstrates. This initial deposit amount is **only an estimate** of the amount which will be required to process an application of a particular type; for an individual case, the actual cost may be substantially less or more than the initial deposit amount.

As work proceeds on an application, actual County costs will be recorded. When actual County costs reach approximately 75% of the initial deposit amount, the case will be reviewed and a determination will be made whether additional funds are required to cover anticipated future County costs. (County work normally will be proceeding while such review is being conducted, and in some cases, the amount of resulting County costs may then exceed the amount on deposit, resulting in a deficit account.) On applications, if anticipated or actual County costs exceed the amount of the initial deposit, the applicant is required to pay the additional amount necessary to cover such costs. When a case is completed, any unused amount on deposit will be refunded.

It may become necessary for the County to engage the services of an outside contractor to assist with processing an application. Costs for such services are considered County costs, and are to be paid by the applicant as with the above.

### AGREEMENT

The person named below as "Depositor" is herewith depositing, or has previously deposited with the County of San Diego the sum of \$ 0 for processing the following application being filed with the County:  
LOT AREA AVERAGING APPLICATION (AS APPROVED BY

Said deposit is made on behalf of the person, corporation or partnership named below as the "Applicant". With reference to said application to said application and deposit, Depositor and Applicant hereby acknowledge and agree as follows: DPLU - SEE CHURCH STREET  
E 4th  
APRIL 6, 200

1. Said deposit shall be held by the County in an account under the name of Applicant, and Applicant shall be considered as the owner of all funds in said account, and Depositor (if different from Applicant) releases any interest in said funds. Except as provided below, any funds remaining in said account at the completion of work on said application shall be refunded to the Applicant at the address below.
2. All costs incurred by the County in processing said application, including overhead, whether within or over the amount of said deposit, shall be paid by Applicant. This is Applicant's personal obligation and shall not be affected by sale or transfer of the property subject to the application, changes in Applicant's business organization, or any other reason. County is authorized to deduct such costs from said deposit at such times and in such amounts as County determines. If the Applicant withdraws an application not involving a violation of a County ordinance, County will cease work thereon within one day.
3. "Costs incurred by the County" under paragraph 2 include costs for the services of an outside contractor, where the County determines to use contract services.
4. In the event that County determines that said deposit must be increased by additional sums in order to cover work anticipated to be necessary to complete processing of said application, County may make a written demand for such increased deposit and mail the same to Applicant at the address below. Applicant will deposit with County such additional sums demanded within thirty days of the date of County's request.

 DPLU-126 (07/03)

5. If Applicant fails to deposit such additional sums within said period, County may cease work on said application. County may thereafter deem said application to have been withdrawn by Applicant, or may forward said application to the appropriate decision-maker with a recommendation for denial. The application will not be approved until required deposits are paid in full.
6. If the amount of costs incurred by County exceeds the amount of funds on deposit, and Applicant has failed to pay County sufficient funds to cover said deficit after demand, County may, in addition to ceasing work on said application, take any or all of the following actions:
- (a) cease work on and refuse to process any other applications for land development approvals submitted to County by or on behalf of Applicant;
  - (b) charge such deficit amount to any other account(s) held by County on behalf of Applicant for such other land development applications;
  - (c) commence suit or pursue any other legal or equitable remedies available to it.
7. If County commences suit to recover any deficit in processing costs, the party prevailing in such suit shall be entitled to recover as costs from the other party its costs of litigation, including reasonable attorneys' fees.

APPLICANT:	
Signature	<u>[Signature]</u>
Print name	<u>STEVE ROSETTA / CABRILLO MEDICAL LLC</u>
Number & street	<u>3721 VALLEY CENTER ROAD SUITE 100</u>
City, state & zip	<u>SAN DIEGO, CA 92130</u>
DEPOSITOR:	
Signature	_____
Date	_____



**APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP  
INTERESTS ON APPLICATION FOR LAND USE AMENDMENTS  
AND PERMITS PURSUANT TO ORDINANCE NO. 4544 (N.S.)**

The ordinance requires that the following information must be disclosed at the time of filing of this discretionary permit.

- A. List the names of all persons having an *interest* in the application.

CABRILLO MEDICAL, LLC

List the names of all persons having any *ownership interest* in the property involved.

CABRILLO MEDICAL, LLC

- B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

ROSETTA FAMILY INVESTMENTS, LLC (100% OWNERSHIP OF CABRILLO MEDICAL, LLC)

STEVE ROSETTA (MANAGING PARTNER - ROSETTA FAMILY INVESTMENTS, LLC)

THE ROSETTA FAMILY TRUST (MEMBERS OF ROSETTA FAMILY INVESTMENTS, LLC)

- C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

STEVE ROSETTA - TRUSTEE OF ROSETTA FAMILY TRUST

JACKIE ROSETTA - TRUSTEE OF ROSETTA FAMILY TRUST

**NOTE:** Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

**NOTE:** Attach additional pages if necessary.

[Signature]

Signature of Applicant

OCTOBER 13, 2008

Date



DPLU-305 (04/03)



## SUPPLEMENTAL APPLICATION FORM

Type of permit requested:  
(check all that apply)

- ☐ Major Use Permit  
☐ Minor Use Permit  
☒ Administrative Permit  
☐ Site Plan

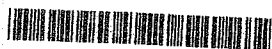
- ☐ Modification  
☐ Minor/Administrative Deviation  
☐ Time Extension

Waivers or exceptions (e.g., height or setbacks with Major Use Permit) associated with the application:

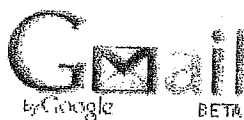
ADMINISTRATIVE APPROVAL FOR LOT SIZE AVERAGING  
AS SUPPORTED BY DPLU AND COUNTY COUNSEL (SEE  
STEVENSON CORRESPONDENCE (ATTACHED) DATED APRIL 8, 2008  
AND IN ACCORDANCE WITH LOT SUMMARY TABLE. TM 1544

Description of Proposed Use  
Describe in detail the use/projects in terms of purpose, capacities, operating characteristics, access-  
parking arrangement, service radius and any other relevant data. Attach additional sheets.

SEE CHRISTINE STEVENSON LETTER APRIL 8, 2008.  
(ATTACHED).



DPLU-346S (01/05)



Leo Stezano <enrlihn@gmail.com>

## Tm 5449 - Lot Area Averaging

Slovick, Mark <Mark.Slovick@sdcounty.ca.gov>

To: enrlihn@gmail.com

Wed, Oct 15, 2008 at 3:01 PM

Cc: markr@villagehomes.biz, "Grunow, Richard" <Richard.Grunow@sdcounty.ca.gov>

Hi Leo,

The forms you need to complete are as follows:

126

305

346S

Please bring a copy of this email with you when you come to the zoning counter to submit and remember that you have to have an appointment to submit an application. Please let me know if you have any other questions or concerns.

Thanks,  
Mark

**From:** enrlihn [mailto:[enrlihn@gmail.com](mailto:enrlihn@gmail.com)]

**Sent:** Tuesday, October 14, 2008 2:13 PM

**To:** Slovic, Mark

**Subject:** Tm 5449 - Lot Area Averaging

[Quoted text hidden]

# SPECIAL HANDLING INSTRUCTIONS

Date: 9/22/08

Map/Permit Number: TM 8449 ; Fallbrook Oaks  
(Use correct permit hierarchy)

To: Zoning Counter

From: Marv Slouch, County DPLU Project Manager

I authorize:

☒ Incomplete submittal - Waiver of only the following requirements of the scoping/iteration letter:  
deposits for AD - Lot Size Averaging Application

☐ Waiver of AEIS

☒ Change of deposit requirement from \$ 8,377 to \$ 0 (Account #: 05-003725)

☐ Change in number of copies of \_\_\_\_\_ (document/map/plot plan)  
from \_\_\_\_\_ to \_\_\_\_\_

☐ Other \_\_\_\_\_

Reason for the above authorization:

deposit account is sufficient to process application. Additional  
funds will be requested at a later date if required.

Distribution Instructions:

☒ Normal Distribution

☐ Other: \_\_\_\_\_

KIVA instructions:

Task Needed \_\_\_\_\_

Project Iteration (if applicable) \_\_\_\_\_

Signature of authorizing Project Manager: Marv Slouch

Please accept all other submittal requirements listed on scoping/iteration letter.

**PLEASE NOTE:** This form is solely for the use of County DPLU staff and is not for the applicant or general public. The waiver on this form is tentative. The applicant may be required to submit additional fees for deposits, environmental and other documentation if it is subsequently determined that the waived information is required.



**Leo Stezano**

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**From:** Stevenson, Christine [Christine.Stevenson@sdcounty.ca.gov]  
**Sent:** Tuesday, April 08, 2008 1:08 PM  
**To:** Leo Stezano; Mark Rael; GuyW; joel@morrisonengineering.com  
**Cc:** Grunow, Richard; Areigat, Nael; Stevenson, Christine  
**Subject:** Fallbrook Oaks Lot Averaging

Good Afternoon:

Per this morning's meeting, DPLU would support lot area averaging as long as the project could make the Zoning Ordinance findings and meet General Plan requirements. You have provided findings of support for Zoning Ordinance. Note that all interior lots that are less than 1.0 acre net acreage must be at least 1.0 acres gross so that you meet General Plan requirements.

Looking at the RPL2 map, the only lots that could be proposed at less than 1.0 acre net are the following: 2, 6, 7, 8, 12, and 13. All of the other lots have at least one lot line on the perimeter of the proposed subdivision.

If you have further questions, please let me know.

Chris Stevenson

10/14/2008

A RIGHT  
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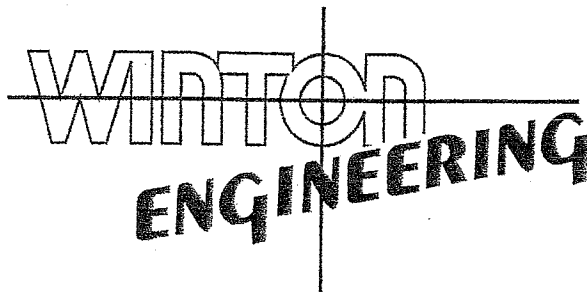
# ZOVING

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COMMUNI

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## LOTTERY SUMMARY

LOT NO.	GROSS AREA		NET AREA		
	SQUARE FEET	ACRES	SQUARE FEET	ACRES	NET AREA/19 LOTS
1	64,599	1.5	43,593	1.0	
2	43,569	1.0	40,258	0.9	
3	60,430	1.4	59,416	1.4	
4	124,089	2.8	121,569	2.8	
5	143,835	3.3	141,354	3.2	
6	44,747	1.0	41,821	1.0	
7	43,820	1.0	41,464	1.0	
8	43,565	1.0	40,140	0.9	
9	45,205	1.0	43,572	1.0	
10	44,527	1.0	43,575	1.0	
11	49,787	1.1	43,601	1.0	
12	43,560	1.0	40,861	0.9	
13	43,568	1.0	41,544	1.0	
14	60,809	1.4	44,214	1.0	
15	50,463	1.2	43,596	1.0	
16	51,987	1.2	51,987	1.2	
17	80,170	1.8	80,170	1.8	
18	43,605	1.0	43,605	1.0	
19	56,018	1.3	43,892	1.0	
RANGER/RECHE	47,300	1.1	-	-	
TOTAL	1,185,653	27.2	1,050,274	24.1	55,278 SF (1.3 ACRES)/LOT



March 28, 2008

Christine Stevenson, Project Manager  
Regulatory Planning Division  
Department of Planning and Land Use  
County of San Diego  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

Re: Lot Area Averaging

GPA 05-006, REZ 05-015, STP 07-009, TM 5449, Fallbrook Oaks

This is a request for approval of an Administrative Permit for Lot Area Averaging in conformance with Section 4230 of the Zoning Ordinance, to permit 1.27 acre average net lot sizes.

#### **Introduction and Background**

Given the totality of the site conditions which guide the site development (and speaking from this point in time), Lot Area Averaging should have been a part of the initial project application. We have been unable to locate any discussion of net/gross lot area issues for the TM in previous County correspondence.

In brief overview, the project currently proposes GPA 05-006 to "downzone" a 5.2 acre portion from General Commercial to (2) Rural residential designation, and a Rezone 05-015 to "downzone" that portion from C-36 to A-70. As well, the 22 acre portion is proposed to be changed from (6) Rural residential to (2) Rural residential, with A-70 zoning unchanged. These proposed changes decrease the development density and intensity. The proposed (2) Rural residential designation is consistent with the Draft General Plan 2020 Land Use Designation of the site as a Semi-Rural Rural residential 1 (SR-1, 2, 4) development.

In the absence of a rural residential project such as the proposed Fallbrook Oaks, the existing Land Use Designations allow up to 7.3 dwelling units per acre and a commercial development. The 7.3 dwelling unit per acre density could potentially achieve 160 rural residential units within the rural residential area of the property. A Rezone would be necessary, as the A-70 zone would otherwise limit the density to one dwelling unit per acre, or 22 rural residential units (plus commercial project).

**CIVIL ENGINEERING, LAND SURVEYING, PLANNING, FORENSIC ENGINEERING**  
**340 16<sup>th</sup> Street, Suite 200, San Diego CA 92101-7606, (619) 696-8955 FAX 696-8959**

Page 2  
March 28, 2008  
Christine Stevenson, Project Manager  
Re: Lot Area Averaging

The proposed Land Use Designation of (2) residential over the entire property would allow one dwelling unit per acre, resulting in a maximum of 27 rural residential units.

It is within this context that this Fallbrook Oaks project is reasonably proposed as 19 rural residential lots, with an average net lot size of 1.27 acres.

The TM will be resubmitted with minor revisions to create 1 net acre minimum lots around the periphery of the project.

The project lots as currently shown are a minimum of 1 gross acre, and the minor TM revisions will maintain the minimum 1 gross acre lot sizes of all lots.

### **Justifications**

[4230 a.]

The Fallbrook Oaks project as proposed conforms with the Purpose and Intent of Section 4230, in that the lots and lot locations relate to the topography, with larger lots and open space located in steep areas and in other environmentally constrained areas. The proposed lot area averaging is not being used for the disallowed purposes listed in the Purpose and Intent.

[4230 b.1.]

The size, design, grading, and location of the proposed lots will be compatible with, and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources because:

The lots will average 1.27 net acres in a 1 ac zone, and the smaller lots will be reasonably close to 1 acre net size (eg, not  $\frac{1}{2}$  or  $\frac{3}{4}$  acre net lots), and no lot will be less than 1 gross acre in size.

The project is a low density rural residential development that allows very light agricultural uses, and will conform to the general rural agricultural appearance. Oaks will be incorporated into the final landscaping design of the manufactured slope areas to match existing.

The project is sensitive to the natural terrain and preserves and maintains a significant area that includes the existing Oak Woodland area and the ephemeral drainage course and wetland area onsite. Project development is proposed only within the disturbed areas.

The lots are located within the most-accessible, most-developable, and/or most-disturbed portions of the property.

[4230 b.1.i.]

There will not be a harmful effect upon desirable neighborhood character, because all lots in the project which adjoin neighboring properties will be at least 1 net acres, all the lots will be large lots configured to be useable for rural residential and light agricultural uses, consistent with the neighborhood. The proposed single family dwellings are typical and consistent with lot coverage for rural residential neighborhoods, and the project is consistent with the Draft General Plan 2020.

[4230 b.1.ii.]

The minor deviations in lot sizes will not be harmful to desirable neighborhood character, nor perceptible to adjoining viewers, because all lots in the project which adjoin neighboring properties will be at least 1 net acres, all the lots will be large lots with a minimum 1 gross acre lot size, lots are configured to be useable for rural residential and light agricultural uses, all of which is consistent with rural neighborhoods. The proposed single family dwellings are typical and consistent with lot coverage for rural residential neighborhoods.

[4230 b.1.iii.]

The site is suitable for the low-intensity rural residential and light agricultural uses in conformance with the Fallbrook Community Plan, the General Plan, and Draft General Plan 2020, as illustrated on the project Site Plan.

[4230.1.iv.]

The proposed project has no identifiable harmful effect on environmental quality. Lot averaging facilitates minimal grading of the natural terrain and the preservation of the existing Oak Woodland area and the ephemeral drainage course and wetland area onsite. Lot Averaging facilitates development activities within the disturbed areas.

[4230.1.v.]

With Lot Averaging, the proposed project is less dense, less intense, and has fewer impacts on the community than allowed by the current General Plan designations and commercial zoning.

[4230.2]

The use and development of the property complies with all conditions that may be imposed by the Lot Averaging Permit, as all lots in the project which adjoin neighboring properties will be at least 1 net acres, per the A-70 lot area designator. Development shall be carried out in conformance with the approved project Site Plan.

[4230.3]

The proposed number of lots, 19, is less than the 27 lots allowable by dividing the parcel area by the minimum lot area of the A-70 lot area designator.

[4230.4]

The County, or a public agency, will be a party to, and entitled to enforce, open space easements for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, and archeological and historical resources, as identified in the project EIR.

Page 3  
March 28, 2008  
Christine Stevenson, Project Manager  
Re: Lot Area Averaging

[4230.5]

The proposed subdivision and the total number and location of the proposed lots is consistent with the San Diego County General Plan, and Draft General Plan 2020, pursuant to GPA 05-006 to change a 5.2 acre portion from General Commercial to (2) Rural residential designation, and REZ 05-015 to change that portion from C-36 to A-70, and change the 22 acre portion from (6) Residential to (2) Residential.



Very truly yours,

Guy W. Winton III, PE, PLS  
President  
GWW/wg

